

REMARKS/ARGUMENTS

Claims 1-45 have been canceled. New claims 46-90 have been added and are now pending in this application. Consideration and allowance of these claims is respectfully requested. Applicants respectfully request that the Examiner, at his convenience, schedule an interview with Applicants' representative to facilitate review of the merits of the alternative aspects/embodiments of the invention in view of the prior art of record.

Alternate aspects of the disclosed and newly claimed invention are supported in a particular example by a download server and method, the download server configured to control access to downloadable content to a mobile terminal via a network. The download server includes a service handler configured to receive a content download request including access information from a network service. The service handler is configured to create and store a content rights file based on the access information and deliver to the network service an address of the content rights file for use by a mobile terminal.

The download server also includes a transaction handler configured to receive a transaction request from the mobile terminal and determine if the transaction request includes the content rights file address. Conditionally, if the transaction request does include the content rights file address, the transaction handler retrieves the content rights file using the content rights file address and authorizes a download transaction associated with a transaction identifier based on the content rights file and downloads targeted content identified in the transaction request to the mobile terminal. Alternatively, if the transaction request does not include the content rights file address, but includes the transaction identifier, the transaction handler is configured to determine if the transaction is valid based on the transaction identifier and authorize the download transaction if the transaction is valid and download the targeted content identified in the transaction request to the mobile terminal. Thus, the content download authorization is conditionally based on the content rights file, or on the transaction identifier. See, for example, page 16 line 1 through page 18 line 17 and page 24, lines 1-10.

In previous Office Actions, U.S. Patent 6,085,976 issued to Sehr et al and U.S. Patent 5,910,987 issued to Ginter et al, were used in combination to reject Applicant's

claims under 35 U.S.C. § 103. Neither of these references include various aspects of Applicants' new claims, for example, determining if the content rights file address is present in the transaction request and the conditional use of the content rights file or transaction identification for authorization of the content download.

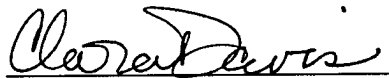
The above discussion presented in connection with the previously cited prior art merely sets forth reasons as to why the rationale presented in the previous Office Action would not be at all relevant to the presently claimed invention. New claims 46-90 manifest Applicants' "long-accepted right to press alternative claims covering different aspects of ... [Applicants' disclosed] invention." *Amgen, Inc. v. Hoechst Marion Roussel*, 126 F. Supp.2d 69 (D. Mass. 2001). Applicants respectfully submit that, by way of this Response, there is no intention to narrow, nor have the Applicants narrowed, the scope of the invention as originally filed through the explanatory comments provided herein.

Applicants respectfully assert that the pending claims are patentable over the cited prior art of record, and that the application is in condition for allowance.

Respectfully submitted,

Date: February 10, 2006

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